

Absent

Moore Weinert

Absent—Excused

Cotten Shivers
Kelley Spears

House Concurrent Resolution 45

The President laid before the Senate:

H. C. R. No. 45, Congratulating Admiral Chester W. Nimitz, on the attainment of his 58th birthday.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

The following communication was ordered printed in the Journal:

Communication

Clarksville, Texas,
February 27, 1943.

Members of the Senate of Texas.

Gentlemen: To each of you, we should like to express in our very humble way, our sincere appreciation for the resolution of sympathy for us over the death of our son Harold Bailey. It served the purpose for which it was intended.

It gave us comfort.

Sincerely yours,

MR. AND MRS. H. C.
BAILEY JR., and Son
and Daughter.

Adjournment

Senator Lanning moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:45 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-SEVENTH DAY

(Tuesday, March 2, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin Brownlee
Beck Bullock

Chadick	Metcalf
Fain	Moffett
Formby	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Shivers was granted leave of absence for today and tomorrow on account of important business, on motion of Senator Weinert.

Senator Lemens was granted leave of absence for today and tomorrow on account of important business, on motion of Senator Mauritz.

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Vick.

Reports of Standing Committees

Senator Moffett submitted the following reports:

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 199, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 201, have had same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 33, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 21, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 245, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Senator Lovelady submitted the following reports:

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 90, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LOVELADY, Chairman.

Austin, Texas,
March 1, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 208, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,
March 1, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 17, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,
March 1, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 111, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Moffett:

S. B. No. 244, A bill to be entitled "An Act making an appropriation out of any funds in the State Treasury not otherwise appropriated for the use of the Pease River Flood Control District; providing the manner and method for paying out the money hereby appropriated; providing that this appropriation shall be treated as a loan from the State of Texas to the Pease River Flood Control District; providing for the repayment of said loan from the first revenue of the District not already encumbered; and declaring an emergency."

To Committee on Finance.

By Senator Jones:

S. B. No. 245, A bill to be entitled "An Act to suspend Article 7045 and Article 2354 of the Revised Civil Statutes of Texas, 1925, until the cessation of hostilities of the present war; and providing that county taxes may be levied by the quorum of the county commissioners court; and declaring an emergency."

To Committee on State Affairs.

By Senator Mauritz:

S. B. No. 246, A bill to be entitled "An Act placing all State Parks and all other tracts of land used or to be used by the State for the purposes of public parks and/or recreational areas, including all public parks, historical parks, and/or recreational areas now under the control and custody of the State Board of Control, under the control and custody of the State Parks Board, under the authority conferred upon such Board by existing law; providing that all laws relating to the same shall be executed and administered by the State Parks Board; providing that all laws which are in conflict, in whole or in part with this Act are hereby repealed, including Articles 677, 6071, 6072, 6073, 6074, 6075, 6077 of the Revised Civil Statutes of Texas, Sections 3, 4, and 5 of Chapter 31 of the Acts of the Forty-second Legislature, Regular Session of 1931, Sections 1 and 2 of Chapter 428 of the Acts of the Forty-seventh Legislature, Regular Session of 1941; and declaring an emergency."

To Committee on State Affairs.

House Concurrent Resolution 51

The President laid before the Senate and directed the Secretary to read:

H. C. R. No. 51, Providing for the selection of a State poet laureate.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

Senate Concurrent Resolution 23

Senator Mauritz offered the following resolution:

S. C. R. No. 23, Relating to leasing of motor vehicles.

Be It Resolved by the Senate of the Legislature of Texas, the House of Representatives concurring, that

Whereas, The Office of Defense Transportation of the United States, for the purpose of conserving rubber and motor equipment, has promulgated General Order O.D.T. No. 17 which provides, among other things, in Part 501, Subpart K, Section 501.69, as follows:

"Sec. 501.69. (a) No motor carrier shall operate any motor truck in over-the-road service unless it is loaded to capacity, except as follows:

"(2). On and after September 1, 1942, each motor carrier and its representatives, including the representative in immediate control and possession of the truck, shall endeavor in good faith prior to its departure from any point when empty to lease or rent such truck consistent with any prior commitments involved in the use of said truck en route, to another person for the transportation of property. . . ."

Now, therefore, be it resolved, That Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, and amendments thereto, commonly known as the Motor Carrier Act of Texas, shall not be construed, for the period of time that the United States is engaged in war, or the Federal Government's Orders remain in force as to leasing of motor vehicles, to mean that it is a violation of said Act nor any amendment thereof for a private truck owner to lease or rent his truck to another person in compliance with said General Order O.D.T. No. 17, and that where one private truck owner has leased or rented his truck to another person in compliance with said General Order O.D.T. No. 17 and said truck is used and operated by said lessee, neither the lessor nor the lessee shall be deemed to have violated said Motor Carrier Act nor any amendment thereof, and that neither the lessor nor the lessee in such case shall be deemed to be a common carrier or contract carrier under said Motor Carrier Act, as amended, regardless whether under the terms of the lease contract the lessor does or does not furnish the driver for the truck and regardless whether the lessor does or does not agree, in whole or in part, to maintain and service the truck, provide gas, oil, tires, and pay other expenses necessary to operate the truck while the same is leased to lessee; be it further

Resolved, That this resolution be published to the Railroad Commission of Texas, the law enforcement officers and the Courts of this State.

The resolution was read and was referred to the Committee on State Affairs.

Motion to Take up Senate Bill 43

Senator Moore moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 43 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the Senate's entire membership):

Yeas—17

Aikin	Mauritz
Beck	Metcalf
Bullock	Moore
Chadick	Morris
Fain	Stone
Formby	Vick
Graves	Weinert
Jones	Winfield
Kelley	

Nays—9

Brownlee	Moffett
Hazlewood	Ramsey
Lane	Sulak
Lanning	York
Lovelady	

Absent

Martin

Absent—Excused

Cotten	Shivers
Lemens	Spears

Senate Bill 110 on Second Reading

Senator Moore moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 110 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Bullock
Beck	Chadick
Brownlee	Fain

Formby	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Kelley	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 110, A bill to be entitled "An Act authorizing the State Board of Control under the laws of the State of Texas to exercise the right of eminent domain and condemnation in the securing of lands necessary to the operation of State Eleemosynary Institutions, State Hospitals and other institutions under the control and jurisdiction of said Board and defining the duties and powers of the State Board of Control and the Attorney General's Department in regard thereto."

The bill was read second time and was passed to engrossment.

Senate Bill 110 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended that that S. B. No. 110 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Committee Substitute Senate Bill 114
on Second Reading**

Senator Vick moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that C. S. S. B. No. 114 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 114, A bill to be entitled "An Act amending Article 3184, Title 51, Chapter 2, of the Revised Civil Statutes of 1925 so as to further define the qualifications of the Superintendent of each State Hospital; providing for removal of same for good cause; defining good cause; and repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Stone offered the following amendment to the bill:

Amend C. S. S. B. No. 114 by striking out the following words in Section 1, line 32 of the printed bill,

"Travis County, Texas," and by inserting in lieu thereof the following, "the county where the State Hospital is located."

Senator Vick moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Beck	Lovelady
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Fain	Morris
Graves	Vick
Lane	Weinert
Lanning	York

Nays—9

Aikin	Moore
Formby	Stone
Hazlewood	Sulak
Jones	Winfield
Kelley	

Absent

Martin	Ramsey
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Absent—Excused

Cotten	Shivers
Lemens	Spears

The bill was passed to engrossment.

**Committee Substitute Senate Bill 114
on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 114 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent—ExcusedCotten
LemensShivers
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Lovelady
Beck	Mauritz
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Kelley	Winfield
Lane	York
Lanning	

Nays—1

Formby

Absent

Martin	Ramsey
Metcalfe	

Absent—ExcusedCotten
LemensShivers
Spears**Advance Printing of Senate Bill 209**

On motion of Senator Morris, it was ordered that S. B. No. 209 be printed in advance of its consideration in committee.

Senate Resolution 50

Senator Lovelady, by unanimous consent, offered at this time the following resolution:

Whereas, The Honorable Vinson Morris, Corporal Coast Artillery in the Armed Forces of the United States, is a visitor in the City of Austin; and

Whereas, Corporal Vinson Morris is a brother of our distinguished colleague, the Honorable G. C. Morris; and

Whereas, The Senate of the State of Texas would like in some small way to honor Corporal Morris at this time; therefore, be it

Resolved, That Corporal Morris be given the privileges of the floor for

the day and further extend to him all courtesies exercised by the Members of this body.

LOVELADY,
BULLOCK,
FORMBY.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

Senate Concurrent Resolution 24

Senator Winfield, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 24, Requesting return of H. B. No. 107 from Governor.

Whereas, On March 1, 1943, S. B. No. 107, after having been passed according to the regular procedure in both houses of the Legislature, was signed by the presiding officers and duly sent to the Governor's office for his consideration; and

Whereas, H. B. No. 145, which covers the same subject, has already been passed and duly signed; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be requested to return said S. B. No. 107 for correction of this error.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

Appointment of Special Committee

The President announced the appointment of the following committee to arrange for a block picture of Members of the Senate in accordance with S. R. No. 44:

Senators Morris, Beck, and Vick.

Senate Bill 185 on Second Reading

Senator Fain moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 185 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Chadick
Beck	Fain
Brownlee	Formby
Bullock	Graves

Hazlewood	Moore
Jones	Morris
Kelley	Ramsey
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 185, A bill to be entitled "An Act making a specific appropriation out of the General Revenue Fund of the State of Texas not otherwise appropriated, to pay a judgment obtained by National Biscuit Company against the State of Texas pursuant to the resolution granted by the State of Texas to the said National Biscuit Company authorizing it to sue the State of Texas for the recovery of filing fees and franchise taxes paid to the Secretary of the State of Texas, which filing fees and franchise taxes the Courts of the State of Texas held to have been illegally collected; and, providing further that the Comptroller of the State of Texas be directed to issue a warrant to pay said judgment to the party herein named in payment of the same in the amount specified herein; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 185 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 185 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hazlewood
Beck	Jones
Brownlee	Kelley
Bullock	Lane
Chadick	Lanning
Fain	Lovelady
Formby	Martin
Graves	Mauritz

Metcalf	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York
Stone	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Beck	Lanning
Brownlee	Lovelady
Bullock	Mauritz
Chadick	Moffett
Fain	Moore
Formby	Morris
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield

Nays—2

Aikin	York
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Absent

Martin	Ramsey
Metcalf	

Absent—Excused

Cotten	Shivers
Lemens	Spears

Committee Substitute Senate Bill 22 on Second Reading

Senator Fain moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that C. S. S. B. No. 22 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Kelley
Chadick	Lane
Fain	Lanning
Formby	Lovelady

Martin	Stone
Mauritz	Sulak
Metcalfe	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Ramsey	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 22, A bill to be entitled "An Act authorizing the Board of Regents of the Sam Houston State Teachers College of Texas to acquire, and maintain and operate an airport for said institution; conferring the right of eminent domain; enacting other provisions in reference to the subject; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 22 by inserting in Section 1 immediately after the words "acquire otherwise" the words "without any cost whatsoever to the State or the College."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 22 by striking out all of line 26 after the word "any," and the words "personal or mixed" in line 27 and insert in lieu thereof "real property."

The amendment was adopted.

The bill was passed to engrossment.

Committee Substitute Senate Bill 22 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Kelley
Chadick	Lane
Fain	Lanning
Formby	Lovelady

Martin	Stone
Mauritz	Sulak
Metcalfe	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Ramsey	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent—Excused

Cotten	Shivers
Lemens	Spears

Motion to Suspend Rule

Senator Fain moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 158 be taken up for consideration at this time.

(Senator Moffett in the Chair.)

Question—Shall the motion to suspend prevail?

Executive Session

At 11:00 o'clock a. m., the Presiding Officer announced the arrival of the hour for an executive session of the Senate.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following report had been adopted by the Senate:

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Nominations of the Governor, to whom was referred the following nomination:

To be Fire Insurance Commissioner for a six year term expiring February 10, 1949:

Marvin Hall of Brownsville, Cameron County.

Have had the same under consideration and do recommend that he be in all things confirmed.

BROWNLEE, Chairman.

(President in the Chair)

The President called the Senate to order as in legislative session at 11:15 o'clock a. m.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. B. No. 299, A bill to be entitled "An Act to amend Article 607 of the Penal Code of Texas, of 1925, by adding thereto Subsections 15, 16, 17, 18, 19, and 20, the purpose of this Act being to include additional persons as vagrants, to define the terms 'prostitution,' 'lewdness' and 'assignation,' fixing a penalty, to repeal all conflicting laws, providing that if any part of this Act is declared invalid it shall not affect the validity of the remainder of this Act; etc.; and declaring an emergency."

H. C. R. No. 53, A tribute to the late Hon. James A. Harley of San Antonio.

H. C. R. No. 54, Providing for the printing of Legislative Manuals.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.
(Senator Moffett in the Chair.)

Senate Bill 158 on Second Reading

The Senate resumed consideration of pending business, same being motion by Senator Fain that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 242 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent

Kelley	Lane
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Absent—Excused

Cotten	Shivers
Lemens	Spears

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 158, A bill to be entitled "An Act to amend Sections 9 and 15 of S. B. No. 270, Acts of the Regular Session of the Forty-sixth Legislature, so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, San Jacinto and Trinity Counties, and fixing the effective date of the beginning of such extension; and declaring an emergency."

The bill was read second time.

Senator Fain offered the following committee amendment to the bill:

Amend S. B. No. 158 by striking out the words and figures "30th day of June, 1949" where the same appear in "Section 9" of said bill, and inserting in lieu thereof the words and figures "30th day of June, 1945."

The amendment was adopted.

Senator Fain offered the following amendment to the bill:

Amend the caption to conform to the body of the bill as amended.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 158 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 158 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent—Excused

Cotten	Shivers
Lemens	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Fain	Moore
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lanning	Weinert
Lovelady	York
Martin	

Nays—5

Aikin	Morris
Beck	Winfield
Formby	
Lane	Absent

Absent—Excused

Cotten	Shivers
Lemens	Spears

Address by Lieutenant Governor

Senator Brownlee asked unanimous consent of the Senate that Hon. John Lee Smith, Lieutenant Governor and President of the Senate, be requested to address the Senate at this time in commemoration of the 107th anniversary of the signing of the Texas Declaration of Independence.

There was no objection to the request for unanimous consent, and Lieutenant Governor John Lee Smith was presented by Senator Moffett.

Lieutenant Governor Smith then addressed the Senate.

(President in the Chair.)

Senate Concurrent Resolution 25

Senator Metcalfe, by unanimous consent offered the following resolution:

S. C. R. No. 25, Providing for joint session of the Senate and House at 11:00 o'clock a. m., March 5, 1943.

Whereas, Under the terms of S. C. R. No. 20 an invitation was extended to Hon. Fulton Lewis, Jr., to address a joint session of the Legislature; and

Whereas, The committee appointed to arrange the date for this meeting, has conferred with Mr. Lewis and found that he will be in Austin on Friday, March 5th, 1943; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That a joint session of the two houses be held at 11:00 a. m., March 5, 1943, to hear an address by Mr. Lewis.

METCALFE,
LANNING,
LANE.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

Vote of Thanks to Senators in Armed Services

Senator Jones moved that a rising vote of appreciation be extended to the four Senators now on duty in the United States Army and to Senator Fain who reports tomorrow for

active duty in the United States Marine Corps.

The motion prevailed unanimously by a rising vote.

House Concurrent Resolution 50

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 50, Requesting return of H. B. No. 241 from Governor.

The President laid the resolution before the Senate, it was read by title and was adopted.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read first time and referred to the committees indicated:

By Senator Fain:

S. B. No. 247, A bill to be entitled "An Act amending Article 6954 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 101, Acts of the Regular Session of the Thirty-ninth Legislature, as amended by Section 1, Chapter 11, Acts of the First Called Session of the Thirty-ninth Legislature, as amended by Section 1, Chapter 245, Acts of the Regular Session of the Fortieth Legislature, as amended by Section 1, Chapter 5, Acts of the Regular Session of the Forty-first Legislature, as amended by Section 1, Chapter 71, Acts of the First Called Session of the Forty-first Legislature, as amended by Section 1, Chapter 8, Acts of the Third Called Session of the Forty-first Legislature, as amended by Chapter 15, Acts of the Fourth Called Session of the Forty-first Legislature, as amended by Chapter 313, Acts of the Regular Session of the Forty-second Legislature, as amended by Section 1, Chapter 9, Acts of the Third Called Session of the Forty-second Legislature, as amended by Section 1, Chapter 48, Special Laws, Acts of the Regular Session of the Forty-third Legislature, as amended by Section 1, Chapter 34, Special Laws, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Section 1, Chapter 189, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Section 1, Chapter 35, Acts of the Second Called Session

of the Forty-fifth Legislature, as amended by Section 1, Special Laws, H. B. No. 173, Acts of the Regular Session of the Forty-sixth Legislature, so as to permit Montgomery County to have a stock law election, declaring the provisions of this Act to be severable; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Morris:

S. B. No. 248, A bill to be entitled "An Act to amend Section 2 of S. B. No. 165, Acts of 1931, Forty-second Legislature, page 280, Chapter 165, as amended by Acts 1937, Forty-fifth Legislature, page 405, Chapter 204, Section 1, and by Acts 1939, Forty-sixth Legislature, page 135, Section 1, so as to change the method of computing examination fees of Loan and Brokerage Companies, providing for the deposit of such fees with the State Treasurer; and declaring an emergency."

To Committee on Banking.

By Senator Morris:

S. B. No. 249, A bill to be entitled "An Act to amend Section 4 of S. B. No. 165, Acts of 1931, Forty-second Legislature, page 280, Chapter 165, as amended by Acts 1937, Forty-fifth Legislature, page 405, Chapter 204, Section 1, and by Acts 1939, Forty-sixth Legislature, page 135, Section 1, so as to increase fees for filing reports of Loan and Brokerage Companies, and allowing Commissioner for good cause shown to extend time for filing reports by such companies for not more than sixty days; and declaring an emergency."

To the Committee on Banking.

Letter of Resignation

The President laid before the Senate, and had read, the following communication:

Austin, Texas,
March 2, 1943.

Hon. John Lee Smith, Lieutenant Governor of Texas, Senate Chamber.

Sir: I hereby hand you my resignation as Vice Chairman of the Senate Committee on Counties and County Boundaries, for the reason that I am reporting tomorrow for active military duty.

Respectfully,
CLEM FAIN.

House Bill on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 299, to Committee on Criminal Jurisprudence.

Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

H. C. R. No. 45, Commending Admiral Chester W. Nimitz upon his brilliant record and congratulating him upon the attainment of his fifty-eighth birthday.

**House Concurrent Resolution 54
Referred**

The following concurrent resolution was laid before the Senate, read by title, and referred to the committee indicated:

H. C. R. No. 54, to Committee on Contingent Expenses.

**Senate Concurrent Resolution 23
Re-referred**

On motion of Senator Mauritz, and by unanimous consent, S. C. R. No. 23 was re-referred from the Committee on State Affairs to the Committee on State Highways and Motor Traffic.

Adjournment

On motion of Senator Lovelady, the Senate, at 12:12 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of
Hon. James A. Harley

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration by the Senate the following resolution:

(House Concurrent Resolution 53)

Whereas, Honorable James A. Harley of San Antonio, Texas, was called to rest from his earthly labors by our Almighty God in His superior judgment on June 15, 1942; and

Whereas, General Harley was born in Seguin on March 1, 1883, and attended the public schools in Seguin and received his Bachelor of Laws Degree from the University of Texas in 1908, and was admitted to the Bar the same year; and

Whereas, He practiced law and served as County Attorney of Guadalupe County from 1910 until 1913; served as State Senator from the Nineteenth District from 1913 until 1917; and was appointed and served as Adjutant General of Texas during the World War I, holding the rank of Brigadier General in the Third Infantry Brigade, and after retiring from the latter named position, he moved to San Antonio and practiced law continuously until his death, being a member of the firm of Gaines, Quin, Harley, and Gaines for a number of years; and being Executive Director and Secretary of the San Antonio Housing Authority at the time of his death; and

Whereas, General Harley was a devoted member of the Catholic Church, Director of the South Texas Chamber of Commerce, a member of the San Antonio and American Bar Associations, the State Bar of Texas, American Legion, San Antonio Country Club, Elks Club, Chamber of Commerce, and Order of the Alamo; and

Whereas, He was one of the outstanding leaders of his State and community and rendered a most distinguished service to his State and community; and

Whereas, He was happily united in marriage with Miss Nora Holmes of Seguin in the year 1916, who together with their daughter, Mr. A. J. Ridder, Jr., and a granddaughter, Nancy Ann Ridder, survive him; and

Whereas, He was a man of unimpeachable honesty and integrity, courtly and gentlemanly in all his dealings and a friendly counselor to all and his passing is a great loss to the people of this State; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That we acknowledge the loss of this outstanding public servant; that a copy of this resolution be spread upon the memorial pages of the House of Representatives and the Senate Journals to serve in some measure the acknowledgment of the debt Texas owes and the tribute that Texas pays to a fine and true citizen and public official; and be it further

Resolved, That the Chief Clerk of the House of Representatives and the Secretary of the Senate send a copy of this resolution to his bereaved family; and that when the Legislature adjourns today that it do so in solemn tribute to a man whose memory shall abide with us always.

The President laid the resolution before the Senate, and it was read by the Secretary.

The resolution was adopted unanimously.

TWENTY-EIGHTH DAY

(Wednesday, March 3, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Fain was granted leave of absence for today and indefinitely on account of important business, on motion of Senator Vick.

Senators Kelley and Lemens were granted leave of absence for today and tomorrow on account of official business, on motion of Senator Metcalfe.

Senator Formby was granted leave of absence for today and indefinitely on account of important business, on motion of Senator Chadick.

Senator Cotten was granted leave of absence for today and tomorrow on account of illness, on motion of Senator Metcalfe.

Senate Concurrent Resolution 26

Senator Moffett offered the following resolution:

S. C. R. No. 26, Relating to increase of acreage to be planted in cotton.

Whereas, It has been well established in recent weeks that there is a definite national shortage of protein feeds suitable for the maximum production of livestock in the United States; and

Whereas, Reliable statistics indicate that unless drastic and unusual steps are taken to increase in a practical manner the supply of protein feedstuffs during the next twelve months that said protein feedstuffs will become increasingly scarce, thus impeding the production of sufficient meat and livestock products to properly support the war effort; and

Whereas, Because of war conditions, shortage of manpower and machinery, and other things, some farmers may desire to cultivate other crops or may desire to plant all, or substantially all, of their tilled acres in grazing crops for livestock, thereby temporarily shelving the cotton quotas assigned to their particular farms; and

Whereas, On the other hand, certain portions of the cotton belt, and particularly certain large areas in Texas, can plant and cultivate an additional acreage of cotton over and above present quotas through the use of mechanized equipment already on hand with only a very limited additional amount of manpower; and

Whereas, It is believed that on account of the above mentioned circumstances if some reasonable change is not brought about, the acreage planted in cotton in 1943 may fall to less than the planted acres in 1942, thus increasing the shortage of protein supplement for livestock feed; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring, does hereby urge the Secretary of Agriculture to increase the national cotton allotment by a reasonable amount commensurate with the available machinery, manpower, and suitable tillable soil, and that a system of transferrals be set up, whereby the acreage best suited to cotton could be planted to cotton, and lands not well suited to cotton could be planted to other suitable war crops; and, be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to the Secretary of Agriculture, Washington, D. C., and to all of the members of the National Congress from Texas.

MOFFETT,
METCALFE,
BULLOCK.